

REMARKS

Claims 1-7 are pending in this application. No amendments to the claims are made by this Response. Reconsideration of the claims is respectfully requested in view of the following remarks.

Amendments to the specification are made to address the objections raised in the First Office Action and reiterated in the Final Office Action. No new matter has been added by the amendments to the specification.

I. Telephone Interview

Applicants thank Examiner Stevens and Primary Examiner Shaw for the courtesies extended to Applicants' representative during the March 14, 2005 telephone interview. During the telephone interview, the objection to the figures, the rejections under 35 U.S.C. 112, first and second paragraph, and the rejections under 35 U.S.C. 101 were discussed. The Examiners stated that they did not wish to discuss the art rejections because their position was finalized in the Final Office Action.

Regarding the objection to Figure 5 and the rejection of claims 1-7 under 35 U.S.C. 112, first paragraph, Applicants' representative submitted figures detailing an example with steps corresponding to those shown in Figure 5. A copy of these figures are attached hereto and a corresponding explanation is provided hereafter in Applicants' arguments regarding the objection to the drawings. Although Examiner Stevens stated he had reviewed the explanatory drawings, Examiner Stevens stated that he was not ready to withdraw the objection or rejections based on his misunderstanding of Figure 5. Applicants respectfully request that the Examiner reconsider his position with regard to these objections and rejections in light of Applicants' explanation set forth hereafter.

With regard to the rejections under 35 U.S.C. 112, second paragraph, Applicants asserted that one of ordinary skill in the art is well aware of what a "computer readable" medium is and what constitutes a computer readable or computer useable medium. In response, the Examiners merely stated that the specification must include a definition of these terms in order for the use of these terms in the claims to be definite. The Examiners

stated that the concern is with regard to whether such terms include transmission or carrier wave media.

Applicants' representative responded that such a position completely disregards the level of one of ordinary skill in the art and instead examines the claims in a vacuum. This is clearly an erroneous approach to examination since it is stated in many places within the MPEP that the examiner must examine the application in light of one of ordinary skill in the art. For example, Applicants have not defined what a "computer" is, what a "table" is, or what a "cell" of a spreadsheet is, yet one of ordinary skill in the art would understand the usage of these terms and the scope associated with these terms even though the Applicants have not presented a formal definition of these terms in the specification. The Examiner has not asserted that these terms are indefinite because one of ordinary skill in the art understands what these terms mean and what their scope is. Similarly, the term "computer readable medium" is well known to those of ordinary skill in the art. The MPEP even uses this term as exemplary of claim language directed to statutory subject matter (see MPEP 2106).

Whether or not the term "computer readable medium" encompasses carrier waves or transmission medium is irrelevant to a determination as to whether the terms are definite or not. Such considerations are directed to the breadth of the claim language, not to the definiteness of the claim language. Moreover, nowhere in the MPEP is there any statement that claim language directed to carrier waves or transmission medium is indefinite and defines non-statutory subject matter.

The Examiners stated that such language that encompasses carrier waves or transmission medium would be indefinite because carrier waves and transmission media are not physical elements. Applicants respectfully disagree. Carrier waves and transmission media are physical media. While they are not immediately perceivable by the human eye, they are physical. Moreover, there is no basis in the MPEP for holding terminology indefinite for lack of physicality. In addition, there is no statement anywhere in the MPEP to the effect that carrier waves or transmission media are non-statutory. To the contrary, as set forth herein below, the MPEP clearly states that functional descriptive material in a computer readable media, which would encompass carrier waves and transmission media, is statutory.

The Examiners essentially made the same arguments when addressing the 35 U.S.C. 101 rejection with regard to the computer readable medium claim, i.e. claim 7. Moreover, when pressed to support such a position, the Examiners merely stated that the MPEP has been changed to not include the section, i.e. section 2106(IV)(B)(1), stating that computer readable medium are statutory and that the case law was changing. As a result, the Examiners stated that they were going to stand by their rejection. Such a position is improper because (1) the MPEP has not been changed and the applicable case law has not changed; and (2) it makes Applicants have to respond to supposed case law and supposed MPEP text that is not yet in existence.

Applicants' representative has checked his own MPEP and the MPEP available from the Patent Office website and has verified that MPEP section 2106(IV)(B)(1) has not been changed as of the time of the Final Office Action, the telephone interview, and the filing of this Response, to eliminate the portion stating that functional descriptive material in a computer readable medium is statutory. Nor are Applicants aware of any case law that overturns the holding in *In re Lowry*, referenced below and used as a basis in the MPEP. Thus, despite the Examiners' assurances that "things are changing," they have not in fact changed and the Examiners must examine the claims based on the status of the MPEP and case law at the time of the examination, not what the MPEP and case law might say in the future. If the Examiners have a basis for their position, they must clearly state what it is with particularity, rather than relying on supposed changes that may or may not be made in the future.

The substance of the telephone interview with regard to other issues discussed is summarized in the following remarks.

II. Objections to the Specification

The Final Office Action objects to the specification for certain informalities. Specifically, the Final Office Action objects to the specification for the following reasons:

- (1) the term "convex" as it applies to a set of cells is not defined.
- (2) the term "relies" on page 4, line 28 should be "rely".

- (3) the problem alluded to on page 8, lines 9-23 is not "made readily apparent."
- (4) the term "connex" as it applies to a set of cells is not defined.
- (5) the meaning of the table on page 27, lines 18 is unclear.

With regard to (1) above, the term "convex", as is generally known to those of ordinary skill in the art, refers to a convex set, or a set of cells where each cell of the set is completely within the spreadsheet. regarding (2) above, the specification is amended by this Response to correct the typographical error.

Regarding (3) above, page 8, lines 12-16 state that the problem is that the amount of additional logic, introduced on top of the individual range comparison, that must be provided in order to discriminate between the cases illustrated in Figures 3A and 3B makes the complexity and efficiency of the conventional approach unacceptable. There is nothing unclear about this statement of the problem. Moreover, there is no requirement that the specification spell out a problem that is addressed by the present invention. While MPEP 608.01(c) states that "where applicable, the problems involved in the prior art or other information disclosed which are solved by the applicant's invention should be indicated," this is not a requirement (permissive use of the term "should"). Thus, the statement of the problem as addressed above is sufficient for satisfying the requirements of the content of the Background in the specification.

With regard to (4) above, the specification is amended by this Response to remove the alleged unclear terminology. Regarding (5) above, the meaning of the table on page 27 is quite clear from the text, especially in light of the data structure shown in Figure 4 and the methodology shown in Figure 5. The operation of the present invention as described in Figure 5 is further explained herein below and such explanation corresponds perfectly with the table shown on page 27. Thus, the following remarks further illustrate the meaning of the table on page 27 of the present specification.

In view of the above, Applicants respectfully request withdrawal of the objection to the specification set forth in the Final Office Action.

III. Objection to Drawings

The Final Office Action objects to Figure 5 stating that the algorithm depicted is incorrect because the algorithm always results in the same outcome. Specifically, the Examiner states that the outcome of the algorithm is always True/True/True/True because the value of the Boolean variable was just set to True. Applicants respectfully disagree.

Applicants respectfully submit that the Examiner is disregarding the second operation in step 505 and how it relates to the first operation in step 505. Basically, the Examiner is failing to realize that the whole purpose of the present invention is to determine whether series A is within series B, series B is within series A, the series are disjointed, the series overlap, or the series are the same series. Thus, some cells that are in series A may also be in series B and some cells in series B may also be in series A. Thus, just because step 505 states that the temporary value for cells in series A are set to True does not mean that in step 506 all of the temporary values of cells in series A are set to True. Such a stance completely disregards the second operation of step 505. That is, in the second operation, the temporary value for cells that are in series B is set to False. As a result, if there is a cell that is in both series A and series B, even though the first operation set the temporary value to True, the second operation of step 505 resets this temporary value to False. Thus, by the time step 506 is performed, the temporary value for such a cell is set to False, not True as the Examiner contends.

Attached are a set of diagrams illustrating the steps of Figure 5 as applied to one example. These diagrams illustrate the above dual operations of step 505 and how it changes the temporary value of cells that appear in both series A and series B. As shown in the attached figures, at step 504 the data structure shown in Figure 4 is initialized such that the values of Atrue, Afalse, Btrue, and Bfalse are set to "False". Then, in step 505, the temporary value for cells in series A is set to True, and thereafter cells that are in series B are set to False. In the particular example depicted, series B is within Series A. That is, Series A consists of cells 1, 2, 3, 4, 5 and 6. Series B consists of cells 2, 3, 4 and 5, which are also part of Series A. As such, the temporary values of cells 2, 3, 4 and 5 are first set to True because they are in Series A (left side of drawing) and, in the second

operation of step 505, are reset to False because they are in Series B (right side of drawing).

Thereafter, in steps 506-509 because some of the cells have a temp value that is set to True, i.e. cells 1 and 6, and some cells whose temporary value is False, the result is "Undetermined." As a result, the Atrue and A false elements of the data structure of Figure 4 are set to "True."

Then, in step 510, the temp value for cells in Series A are reset to a value of "True." In steps 511-514 a determination is made as to whether the temp value for all of the cells in Series B are set to True, False, or are Undetermined because some are set to True and some are set to False. In the depicted example, because all of the cells in Series B are also within Series A, when setting the temp value of cells in Series A to "True," all of the cells in Series B are set to "True." Thus, in step 510 it is determined that the value of the temp value for cells in Series B is "True" and therefore, Btrue is set to "True" (step 511). The resulting data structure is shown and has values as follows: Atrue = True, Afalse = True, Btrue = True, and Bfalse = False. This particular set of values corresponds to the branch leading to step 517, i.e. Series B is in Series A (which is the correct answer).

Thus, despite the allegations made by the Examiner, the method outlined in Figure 5 is correct and is completely operational as stated. Thus, the Examiner's objection to Figure 5 is improper and should be withdrawn. Applicants respectfully request that the Examiner withdraw the objection to the figures in light of the above showing.

IV. Rejection of claims 1-7 under 35 U.S.C. 112, First Paragraph

The Final Office Action maintains the rejection of claims 1-7 as being allegedly not enabled by the description set forth in the application. Essentially, this rejection is the same as the objection to the drawings addressed above. That is, the claims 1-7 are being rejected because they allegedly recite a methodology, system and computer readable medium that results in the same result in every situation. Applicants have shown by example above how the methodology described with reference to Figure 5 of

the present specification is completely correct as written, does not result in the same outcome in every situation, and is fully enabling of the present claims. Thus, for at least the same reasons as stated above with regard to the objection to the drawings, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-7 under 35 U.S.C. 112, first paragraph.

V. Rejection of Claim 7 under 35 U.S.C. 112, Second Paragraph

The Final Office Action rejects claim 7 under 35 U.S.C. 112, second paragraph alleging that the term "computer readable medium" is indefinite because it is not defined in the specification. This rejection is respectfully traversed for the reasons stated above in Applicants' summary of the telephone interview, and the reasons set forth hereafter.

Applicants respectfully submit that the terms in the claims must be examined in light of the level of one of ordinary skill in the art and are not to be examined in a vacuum. Those of ordinary skill in the art are well aware of what a "computer readable medium" is and it is not necessary to provide a specific definition of this term in the specification for this term to be definite. As is known to those of ordinary skill in the art, a computer readable medium is any medium that is capable of carrying data and/or instructions that are readable by a computing device. Examples of such computer-useable medium include floppy disks, hard disks, magnetic tape, CD-ROMs, DVD-ROMs, carrier waves, transmission media, and the like. While this term may be broad, it is definite since one of ordinary skill in the art can clearly determine what types of media fall within the scope of the term "computer readable medium."

In view of the above, Applicants respectfully submit that claim 7 is not indefinite. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 7 under 35 U.S.C. 112, second paragraph.

VI. Rejection of Claims 6-7 under 35 U.S.C. 101

The Final Office Action rejects claims 6-7 under 35 U.S.C. 101 alleging that the claims are directed to non-statutory subject matter. This rejection is respectfully

traversed for the reasons stated above in the summary of the telephone interview and in the remarks hereafter.

With regard to claim 6, the Final Office Action alleges that this claim recites a computer program *per se* and thus raises a question as to whether it is directed to statutory subject matter. Claim 6 recites a “system” and has as elements “means for” performing a plurality of operations. It is not understood how a “system” can be a “computer program *per se*.” To the contrary, claim 6 clearly is directed to a physical system that has elements that are capable of performing the operations specifically set forth in the claim. Figure 1A of the present application provides one example of such a system. Since claim 6 is directed to a system, it is within the technological arts and thus, is not directed to non-statutory subject matter.

Regarding claim 7, the Final Office Action alleges that this claim is directed to a “computer readable medium” which may encompass an intangible embodiment (such as a carrier wave or transmission media). Applicants respectfully submit that computer programs embodied in computer readable medium have been held to be statutory and thus, the Final Office Action is in error. As stated in the MPEP at section 2106 (IV)(B)(1), “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” As an example, in *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) a claim to a data structure stored on a computer readable medium that increases computer efficiency was held to be statutory.

In the present case, claim 11 recites a computer readable medium comprising instructions adapted for defining a Boolean attribute, said Boolean attribute having a first and a second value, assigning the first value of said Boolean attribute to each cell of a first series of cells, assigning the second value of said Boolean attribute to each cell of a second series of cells, determining in a first operation whether all the cells of said first series of cells share the same first value of said Boolean attribute, or share the same second value of said Boolean attribute or do not share single value of said Boolean attribute, etc. as recited in claim 1. Thus, the present invention as recited in claim 7 is directed to a computer readable medium comprising instructions which permits the

functions described in claim 1 to be realized. This is clearly directed to functional descriptive material embodied in a computer readable medium and thus, is statutory in accordance with the MPEP and the applicable case law.

In view of the above, Applicants respectfully submit that all of the claims are directed to statutory subject matter. Accordingly, Applicants request withdrawal of the rejection of claims 6-7 under 35 U.S.C. 101.

VII. Rejection of Claims 1-7 under 35 U.S.C. 103(a)

The Final Office Action rejects claims 1-7 under 35 U.S.C. 103(a) as being allegedly unpatentable over Kelly, Using Microsoft Excel 97, 3rd Edition, Que Corp., Indianapolis, IN, 1998 in view of Deitel et al., C++: How to Program, 2nd Edition, Prentice Hall, Upper Saddle River, NJ, 1994, and further in view of Microsoft Computer Dictionary, 4th Edition, Microsoft Press, Redmond, WA, 1999. This rejection is respectfully traversed.

Claim 1, which is representative of the other rejected independent claims 6 and 7 with regard to similarly recited subject matter, reads as follows:

1. A method of comparing two series of cells in a multidimensional spreadsheet comprising a plurality of cells identified by a cell address along each dimension, a series of cells comprising one or a plurality of cell range, a cell range comprising one or a plurality of cells, said method comprising the steps of:
 - defining a Boolean attribute, said Boolean attribute having a first and a second value;
 - assigning the first value of said Boolean attribute to each cell of a first series of cells;
 - assigning the second value of said Boolean attribute to each cell of a second series of cells;
 - determining in a first operation whether all the cells of said first series of cells share the same first value of said Boolean attribute, or share the same second value of said Boolean attribute or do not share single value of said Boolean attribute;
 - for a second operation, again assigning the first value of said Boolean attribute to each cell of the first series of cells;
 - determining in a second operation whether all the cells of the second series of cells share the same first value of said Boolean attribute,

or share the same second value of said Boolean attribute or do not share a same single value of said Boolean attribute;

recording intermediary information from the first operation and the second operation in a comparison table, stored in a memory of a computer;

determining whether the first series and the second series are the same or not by comparing results of the first operation and the second operation:

if all the cells of the first series share the same second value of said Boolean attribute in said first operation and if all the cells of the second series share the same first value of said Boolean attribute in said second operation, the first series and the second series are the same.

Applicants respectfully submit that neither Kelly, Deitel nor the Microsoft Computer Dictionary teach or suggest the specific features recited in claim 1. None of the references teach or suggest the specific methodology recited in claim 1 for comparing series of cells, as discussed hereafter.

With the present invention, as recited in claim 1, cells in a first series have their Boolean attribute set to a first value, e.g., "True." Cells in a second series have their Boolean attribute set to a second value, e.g., "False." A determination is then made as to whether all of the cells in the first series share the same value, e.g., whether all of the cells have a Boolean attribute that is set to "True." If the second series is within the first series, the first series is within the second series, or if there is an overlap between the series, then not all of the Boolean attributes will be set to the same value.

Thereafter, in a second operation, the Boolean attribute for cells in the first series is again set to the first value, e.g., "True." Intermediary information from the first operation and the second operation is then recorded in a comparison table, e.g., the data structure shown in Figure 4, stored in a memory of a computer. A determination is made as to whether all of the Boolean attributes of cells in the second series have a same value. If all of the cells of the first series have the same Boolean attribute value in the first operation and all of the cells of the second series have the same Boolean attribute value in the second operation, then the first and second series are the same. None of the references cited in the Final Office Action teach or suggest such operations or determinations.

Kelly teaches, on pages 138-144, the use of “scenarios” and comparing “scenarios” with one another. However, the “scenarios” described in Kelly are not two series of cells that are being compared to determine if the series are the same, overlap, are within one another or are disjointed. To the contrary, the “scenarios” of Kelly are provided as an ability to set up different values for cells so that the affect of these different values may be compared. The “scenario” comparison of Kelly has nothing to do with determining a correspondence between scenarios to determine if the series are the same, overlap, etc. The scenario comparison in Kelly is merely used to compare the actual data content of the cells, not to compare series of cells to determine the structural or organizational correlation between series of cells within the spreadsheet application, such as in the present application.

Moreover, nowhere in Kelly is there any teaching or suggestion of performing the specific set of operations recited in claim 1. In other words, nowhere in Kelly is there any teaching or suggestion to associated a Boolean attribute with each cell of a first series of cells and a second series of cells, set the value of this attribute to a first value for cells in a first series, setting the value of this attribute to a second value for cells in a second series, determining if the value for this attribute is the same for all cells in the first series, resetting the value of the attribute for cells in the first series to a first value, determining if all of the cells of the second series has the same value for the attribute, etc. This is a specific set of operations recited in claim 1. Merely teaching comparing “scenarios” in Kelly does not render obvious the specific set of operations set forth in claim 1.

The Final Office Action admits that Kelly does not teach any of the specific operations recited in claim 1 (see Final Office Action, page 8). To the contrary, the Final Office Action uses Kelly only to allegedly teach the preamble of claim 1 and defining a Boolean attribute having a first value and a second value. As stated above, Kelly does not provide any mechanism for comparing series of cells to determine their structural/organizational correlation. Moreover, despite the allegations made by the Final Office Action, Kelly actually does not teach or suggest a Boolean attribute being defined for cells of a first and second series in a spreadsheet.

The Final Office Action alleges that such a feature is taught by Kelly at pages 174-175. In this section, Kelly teaches an “IF-THEN-OTHERWISE” function that is

used to determine values for cells in a spreadsheet. The "IF-THEN-OTHERWISE" function operates in the following manner: IF a statement is true, THEN return a first value, OTHERWISE return a second value. This function in Kelly essentially states that if certain criteria are met, i.e. the statement is true, then a first value is returned, otherwise if the criteria are not met, then a second value is returned. Thus, the IF-THEN-OTHERWISE function of Kelly is merely a function to determine whether a cell will be given one value or another based on whether a condition is met. The IF-THEN-OTHERWISE function of Kelly is not a Boolean variable. In fact, the IF-THEN-OTHERWISE function of Kelly is not a variable at all. It is a function that operates based on values of other variables included in the function. This is evident in that Kelly states that the IF-THEN-OTHERWISE function may be nested within other functions. Variables are not nested within other variables and thus, the function of Kelly is not a Boolean variable.

Furthermore, one cannot simply "set" the values of the IF-THEN-OTHERWISE function of Kelly to "True" or "False." To the contrary, the IF-THEN-OTHERWISE function of Kelly must evaluate the criteria set forth in the IF-THEN-OTHERWISE function to determine if the criteria are met or not. If met, some first value is returned. If not met, some second value is returned. This is clear from the example shown in Figure 10.23 of Kelly where the IF-THEN-OTHERWISE function takes the form of "`=IF(B10>90, "A", IF(B10>80,"B", IF(B10>70,"C", IF(B10>60,"D","F")))`)." One cannot simply set the value of this function to "A," "B," "C," "D" or any other value without deleting the function. This is because once the function is associated with the cell, it must be evaluated to determine the value of the cell. One cannot merely make the function have a certain value without modifying the variables within the function so as to achieve the desired value once the function is evaluated. Thus, the IF-THEN-OTHERWISE function of Kelly is not a Boolean variable.

In addition to the above, despite the allegations made in the Final Office Action, Deitel does not provide for the deficiencies of Kelly that have been argued above and admitted to by the Final Office Action. The Final Office Action alleges that Deitel teaches all of the specific operations set forth in claim 1 merely because Deitel teaches comparing two arrays based on their sizes. Specifically, the Final Office Action points to

pages 243-244 code lines 12, 23 and 41-45, page 476, code lines 102-114. Pages 243-244, code lines 12, 23 and 41-45 read as follows:

```
12    int li, a[arraySize] = {0, 1, 2, 3, 4};  
23    modifyArray( a, arraySize);  
  
41    void modifyArray( int b[], int sizeOfArray)  
42    {  
43        for (int j = 0; j<sizeOfArray; j++)  
44            b[j]*=2;  
45    }
```

Page 476, code lines 102-114 read as follows:

```
102    // Determine if two arrays are equal and  
103    // return true, otherwise return false.  
104    bool Array::operator==(const Array &right) const  
105    {  
106        if (size != right.size)  
107            return false;    // arrays of different sizes  
108  
109        for (int i = 0; i < size; i++)  
110            if (ptr[i] != right.ptr[i])  
111                return false;    // arrays are not equal  
112  
113        return true;    //arrays are equal  
114    }
```

The lines of code from pages 243-244 merely describe establishing the size of an array. The lines of code from page 476 merely describe comparing the sizes of two arrays to determine if they are equal. Somehow, the Examiner concludes that this obviates the very specific set of operations set forth in claim 1. Where in the above lines of code, or anywhere else in the Deitel reference, is there any teaching or suggestion regarding the specific operation of assigning a first value of said Boolean attribute to each cell of a first series of cells? Where in the above lines of code is there any teaching or suggestion of assigning a second value of a Boolean attribute to each cell of a second series of cells? Where is there any teaching or suggestion of determining in a first

operation whether all the cells of a first series of cells share the same first value of a Boolean attribute, or share the same second value of a Boolean attribute or do not share single value of a Boolean attribute? Where is there any second operation that again assigns a first value of a Boolean attribute to each cell of the first series of cells and determines whether all the cells of the second series of cells share the same first value of the Boolean attribute, or share the same second value of the Boolean attribute or do not share a same single value of said Boolean attribute?

There is no possibility that a teaching to compares sizes of an array in C++ teaches, or even suggests, the specific operations recited in claim 1. The Examiner points to seemingly irrelevant lines of code that, while teaching comparing the sizes of arrays, does not have anything to do with the operations recited in claim 1. Thus, despite the allegations made by the Final Office Action, Deitel does not actually teach anything remotely similar to the features of claim 1 and thus, the Examiner has failed to establish a prima facie case of obviousness with regard to claim 1.

Even if Deitel were somehow combinable with Kelly, the features of claim 1 would still not be taught or suggested by the alleged combination since neither reference provides any teaching or suggestion regarding the features of the present claims. Since neither Deitel nor Kelly teach or suggest the features of claim 1, any alleged combination would not magically result in these features being taught or suggested. To the contrary, if one were to attempt such a combination, and it were somehow made possible to combine the teachings of Kelly and Deitel, the result would be some mish-mash in which the size of an array of a first scenario is compared to the size of an array of a second scenario. The result still would not lead to the specific set of operations set forth in claim 1.

The Microsoft Computer Dictionary does not provide any additional teaching that would make the features of the presently claimed invention obvious in view of the teachings of Kelly and Deitel discussed above. Merely stating that Boolean values may be "True" and "False" does not provide all the teachings missing from Kelly and Deitel.

In view of the above, Applicants respectfully submit that neither Kelly, Deitel, nor the Microsoft Computer Dictionary, either alone or in combination, teach or suggest the features of independent claim 1 or similar features found in claims 6 and 7. At least by virtue of their dependency on claim 1, the alleged combination of references also does

not teach or suggest the features of dependent claims 2-5. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-7 under 35 U.S.C. 103(a).

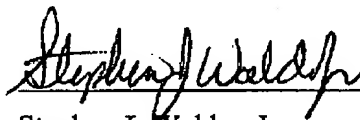
In addition to the above, claims 2-5 recite additional operations not taught or suggested by the alleged combination of references. Each of claims 2-5 recite additional operations that are performed to determine the structural/organizational relationship between two series of cells. Since none of the references have anything to do with such a functionality, none of the cited reference teach or suggest the specific features recited in these claims.

VIII. Conclusion

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: March 22, 2005



Stephen J. Walder, Jr.

Reg. No. 41,534

WALDER INTELLECTUAL PROPERTY LAW, P.C.

P.O. Box 832745

Richardson, TX 75083

(972) 644-9928

ATTORNEY FOR APPLICANT

Attachment:

Explanatory example figures